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REMARKS

Applicants gratefully acknowledge courtesies extended in the grant of an interview by Dr. Li at the USPTO for June 1, 2006 ("Interview").

Support for the present claim amendments can be found throughout the instant application including the drawings and claims as filed originally.

No new matter has been added by virtue of the present claim amendments or new claims.

35 U.S.C. §112, first paragraph

Claims 70 – 72 stand rejected under §112, first paragraph. Applicants respectfully traverse the rejection, but have amended the claims in accordance with the Examiner's suggestion. Accordingly, Applicants request the withdrawal of the rejection and allowance of the claims.

35 U.S.C. §103

Claims 29, 30, 33-49, 53, 59, 60, 61, and 68-72 stand rejected under 35 U.S.C. §103 over Vasselli et al. (Cardiovasc. Res. 1997: 35: 459) in view of Waugh and Thomas et al. (Transplant 1999: 68:1660). Applicants respectfully traverse the rejection.

Vasselli et al do not teach or suggest "introducing into endothelial cells of an autologous vein graft... an effective amount of at least one nucleic acid" or "transplanting the vein graft into the mammal."

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Neither Waugh nor Thomas cure this defect in Vasselli. One of skill in the art would not be motivated to combine these references with Vasselli et al, nor would there be an expectation of success. Neither Vasselli nor Waugh teach vein grafts or translation of a graft after the introduction of nucleic acid. The Examiner has admitted that Vasselli does not teach grafts and trauma caused by vascular clamps as shown in Waugh in completely different than introducing nucleic acid into an autologous graft. One of skill in the art would have no expectation of success of this novel method based on this combination of references. There is certainly no specific teaching or suggestion in the cited Waugh reference (taken alone or in combination with Vasselli and Thomas) that one could resist early graft failure by employing an autologous graft having introduced nucleic acid as Applicants have done.

Accordingly, Applicants request withdrawal of the rejection and allowance of the claims.

Claims 53-55 and 62-64 stand rejected as obvious over Vassalli, in view of Waugh, and Thomas, taken further with Hardy et al. (*J. Virol.* 1997 71: 1842; "Hardy"). Applicants respectfully traverse the rejection.

The deficiencies of Waugh, Vassalli and Thomas, as cited by the Office, have been discussed above in view of the pending claims. Hardy as cited does not remedy these defects. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 56-58, and 65-67 stand rejected as obvious over Vassalli, in view of Waugh, and Thomas, taken further with Qing et al. (*J. Virol.* 1997 71: 5663-7; "Qing"). Applicants respectfully traverse the rejection.

The shortcomings of Waugh, Vassalli and Thomas, as cited by the Office, have been discussed above in view of the pending claims. Qing as cited does not remedy these defects.

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Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

It is believed that the application is in condition for allowance, which action is earnestly solicited. Although it is not believed that any fee is needed to consider this submission, the USPTO is authorized to charge our deposit account no. 04-1105 should such fee be deemed necessary.

Respectfully submitted,

Date: May 30, 2006

By: 

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